

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1072

Introduced by Stuhr, 24

Read first time January 14, 2004

Committee: Rereferred to Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to educational service units; to amend section
2 79-1217, Reissue Revised Statutes of Nebraska, and
3 sections 32-567 and 32-570, Revised Statutes Supplement,
4 2002; to change provisions relating to vacancies in
5 educational service unit boards; to harmonize provisions;
6 and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-567, Revised Statutes Supplement,
2 2002, is amended to read:

3 32-567. Vacancies in office shall be filled as follows:

4 (1) In state and judicial district offices and in the
5 membership of any board or commission created by the state when no
6 other method is provided, by the Governor;

7 (2) In county offices, by the county board;

8 (3) In the membership of the county board, by the county
9 clerk, county attorney, and county treasurer;

10 (4) In township offices, by the township board or, if
11 there are two or more vacancies on the township board, by the
12 county board;

13 (5) In offices in public power and irrigation districts,
14 according to section 70-615;

15 (6) In offices in natural resources districts, according
16 to section 2-3215;

17 (7) In offices in community college areas, according to
18 section 85-1514;

19 (8) ~~In offices in educational service units, according to~~
20 ~~section 79-1217,~~

21 ~~(9)~~ In offices in hospital districts, according to
22 section 23-3534;

23 ~~(10)~~ (9) In offices in metropolitan utilities districts,
24 according to section 14-2104;

25 ~~(11)~~ (10) In membership on airport authority boards,
26 according to section 3-502, 3-611, or 3-703, as applicable;

27 ~~(12)~~ (11) In membership on the board of trustees of a
28 road improvement district, according to section 39-1607; and

1 ~~(13)~~ (12) In membership on the council of a municipal
2 county, by the council.

3 Unless otherwise provided by law, all vacancies shall be
4 filled within forty-five days after the vacancy occurs unless good
5 cause is shown that the requirement imposes an undue burden.

6 Sec. 2. Section 32-570, Revised Statutes Supplement,
7 2002, is amended to read:

8 32-570. (1) A vacancy in the membership of a school
9 board or a board of an educational service unit shall occur as set
10 forth in section 32-560 or when a member is absent from the school
11 district or geographical boundaries of the educational service unit
12 for a continuous period of sixty days at one time or from more than
13 two consecutive regular meetings of the board unless excused by a
14 majority of the remaining members of the board.

15 (2) A person appointed to fill a vacancy on the school
16 board of a Class I school district by the remaining members of the
17 board shall hold office until the beginning of the next school
18 year. A board member of a Class I school district elected to fill
19 a vacancy at a regular or special school district meeting shall
20 serve for the remainder of the unexpired term or until a successor
21 is elected and qualified.

22 (3) Except as provided in subsection (4) of this section,
23 a vacancy in the membership of a school board of a Class II, III,
24 IV, V, or VI school district or a board of an educational service
25 unit resulting from any cause other than the expiration of a term
26 shall be temporarily filled by appointment of a qualified
27 registered voter by the remaining members of the board. A
28 registered voter shall be nominated at the next primary election

1 and elected at the following general election for the remainder of
2 the unexpired term. A registered voter appointed or elected
3 pursuant to this subsection shall meet the same requirements as the
4 member whose office is vacant.

5 (4) Any vacancy in the membership of a school board of a
6 school district which does not nominate candidates at a primary
7 election and elect members at the following general election shall
8 be temporarily filled by appointment of a qualified registered
9 voter by the remaining members of the board. A registered voter
10 shall be nominated and elected to fill the vacancy for the
11 remainder of the term in the manner provided for nomination and
12 election of board members in the district.

13 (5) If any school board or board of an educational
14 service unit fails to fill a vacancy on the board, the vacancy may
15 be filled by election at a special election or school district
16 meeting called for that purpose. Such election or meeting shall be
17 called in the same manner and subject to the same procedures as
18 other special elections or school district meetings.

19 (6) If there are vacancies in the offices of a majority
20 of the members of a school board or board of an educational service
21 unit, the Secretary of State shall conduct a special ~~school~~
22 ~~district~~ election for the school district or educational service
23 unit to fill such vacancies.

24 Sec. 3. Section 79-1217, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 79-1217. (1) All educational service units, except
27 Educational Service Units No. 18 and 19, shall be governed by a
28 board to be known as the Board of Educational Service Unit No.

1 The educational service unit board shall be composed of
2 one member from each county and four members at large, all of whom
3 shall reside within the geographical boundaries of the educational
4 service unit, but no more than two of the members at large shall be
5 appointed or elected from the same county unless any one county
6 within the educational service unit has a population in excess of
7 one hundred fifty thousand inhabitants or the educational service
8 unit consists of only one county. The four candidates who receive
9 the highest number of votes for at-large representative shall be
10 elected, except that if more than two of such candidates reside
11 within the same county which has a population of one hundred fifty
12 thousand inhabitants or less, the candidates from such county
13 receiving fewer votes than the two candidates receiving the highest
14 number of votes for at-large representative from such county shall
15 not be elected and a vacancy or vacancies shall exist for at-large
16 representative. The vacancy shall be filled pursuant to subsection
17 ~~(2) of this section.~~ Successors to the members initially appointed
18 shall be elected pursuant to section 32-515.

19 (2) Vacancies in office shall occur as set forth in this
20 section and section 32-560. ~~Whenever any vacancy occurs on the~~
21 ~~board, the remaining members of such board shall appoint an~~
22 ~~individual residing within the geographical boundaries of the~~
23 ~~educational service unit and meeting the qualifications for the~~
24 ~~office to fill such vacancy for the balance of the unexpired term~~
25 32-570 and be filled according to section 32-570.

26 (3) Members of the board shall receive no compensation
27 for their services but shall be reimbursed for the actual and
28 necessary expenses incurred in the performance of their duties

1 under the Educational Service Units Act as provided in sections
2 81-1174 to 81-1177.

3 (4) Except as provided in subsection (5) of this section,
4 any joint school district located in two or more counties shall be
5 considered a part of the educational service unit in which the
6 greater number of school-age children of such joint school district
7 reside. All legal voters of any such joint school district shall
8 be eligible to hold office as the county representative of the
9 county in which the greater number of school-age children reside.
10 Any legal voter of any joint school district shall be eligible to
11 hold office as the at-large representative if such legal voter
12 resides within the geographical boundary of the school district
13 comprising the educational service unit.

14 (5) Any Class I district which is part of a Class VI
15 district shall be considered a part of the educational service unit
16 of which the Class VI district is a member. If the Class VI
17 district has removed itself from an educational service unit, each
18 Class I district which is part of such Class VI district may
19 continue its existing membership in an educational service unit or
20 may change its status relative to membership in an educational
21 service unit in accordance with section 79-1209. The patrons of a
22 Class I district maintaining membership in an educational service
23 unit pursuant to this subsection shall have the same rights and
24 privileges as other patrons of the educational service unit, and
25 the taxable valuation of the taxable property within the geographic
26 boundaries of such Class I district shall be subject to the
27 educational service unit's tax levy established pursuant to section
28 79-1225.

1 (6) The administrator of each educational service unit,
2 prior to July 1 of each year in which a statewide primary election
3 is to be held, shall certify to the election commissioner or county
4 clerk of each county located within the unit the corporate name of
5 each school district, as described in section 79-405, located
6 within the county. If a school district is a joint school district
7 located in two or more counties, the administrator shall certify to
8 each election commissioner or county clerk the educational service
9 unit of which the school district is considered to be a part.

10 (7) Educational Service Unit No. 18 shall be governed by
11 the school board of School District 55-001 of Lancaster County.

12 (8) Educational Service Unit No. 19 shall be governed by
13 the school board of School District 28-001 of Douglas County.

14 Sec. 4. Original section 79-1217, Reissue Revised
15 Statutes of Nebraska, and sections 32-567 and 32-570, Revised
16 Statutes Supplement, 2002, are repealed.